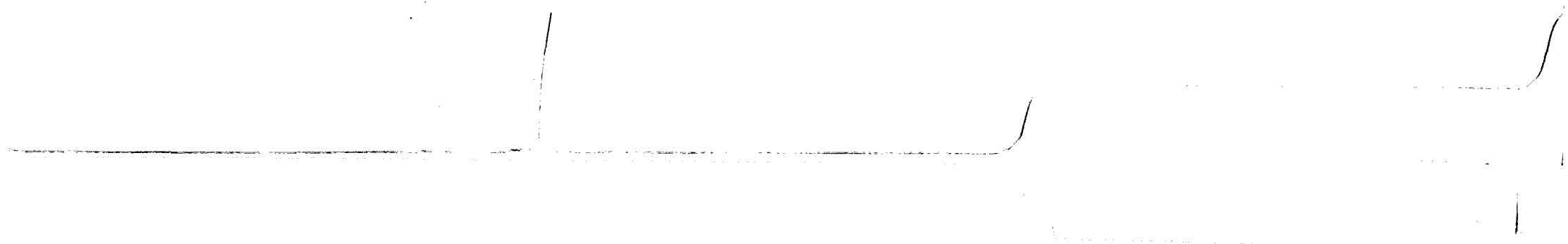


3/15/93 VACATION OF SUMMIT AVENUE LYING  
2/6/95 SOUTH of NORTH LINE OF LOT 6



**DORSEY & WHITNEY**  
PROFESSIONAL LIMITED LIABILITY PARTNERSHIP

NEW YORK  
WASHINGTON, D. C.  
DENVER  
ORANGE COUNTY, CA  
LONDON  
BRUSSELS

PILLSBURY CENTER SOUTH  
220 SOUTH SIXTH STREET  
MINNEAPOLIS, MINNESOTA 55402-1498  
(612) 340-2600  
FAX (612) 340-2868

JOHN S. CLIFFORD  
(612) 340-5618

ROCHESTER, MN  
BILLINGS  
GREAT FALLS  
MISSOULA  
DES MOINES  
FARGO

March 23, 1995

Marcella M. Daehn  
City Clerk - City of Edina  
4801 West 50th Street  
Edina, Minnesota 55424-1394

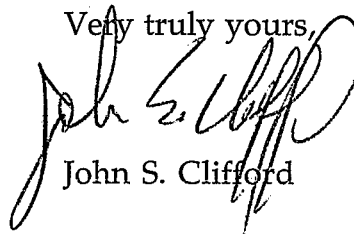
RE: Murphy Service Station Property

Dear Ms. Daehn:

Enclosed are attested copies of the Notice of Completion of Proceedings on Vacation and the Easement Maintenance Agreement which have been filed in the Hennepin County Registrar of Titles Office.

Please call if you have any questions.

Very truly yours,



John S. Clifford

JSC:mkp  
Encl.

cc: Craig Larsen  
Jerome P. Gilligan



City of Edina

**NOTICE OF COMPLETION OF PROCEEDINGS  
ON VACATION OF EASEMENT FOR STREET PURPOSES  
IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota on February 6, 1995, adopted a "Resolution Vacating Summit Avenue Subject to the Reservation by the City of an Easement Over a Portion Thereof", after public hearing and notice thereof as required by law and after determining it to be in the best interest of the City and of the public that said easement vacation be made, which resolution ordered the vacation of the following described easement for street purposes, all as platted and of record in the office of the County Recorder in and for Hennepin County, Minnesota:

That part of Summit Avenue as dedicated in the plat of GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:


That part of Summit Avenue lying Southerly of the Easterly extension of the Northerly line of Lot 6, Block 4, in said plat, and Northerly of the Northwestern right-of-way line of County Road No. 158 (formerly U.S. Highway Nos. 169 and 212),

with the City reserving an easement for emergency vehicle ingress, egress and access over that part of Summit Avenue which lies Southerly of the Easterly extension of the Northerly line of Lot 6, Block 4, in said plat, and Northerly of the Northwestern right-of-way line of County Road No. 158 (formerly U.S. Highway Nos. 169 and 212) and Easterly of the following described line:

Beginning at intersection of the centerline of said Summit Avenue with the Northwestern right-of-way line of said County Road No. 158; thence Northerly along said centerline to a point 25.00 feet Southerly from the Easterly extension of the Northerly line of Lot 6, Block 4 in said plat; thence Northwesternly deflecting to the left 20 degrees 00 minutes 00 seconds to said Easterly extended line and there terminating.

The time of completion of proceedings and the effective date of said vacation is February 7, 1995.

BY ORDER OF THE CITY COUNCIL,  
CITY OF EDINA

  
Marcella M. Daehn  
City Clerk

TRANSFER ENTERED  
HENNEPIN COUNTY TAXPAYER SERVICES

FEB 28 1995

2592916

REGISTERED VOL 2661 PAGE 793949 ✓

REGISTERED VOL 2708 PAGE 807814  
9/C

COPY

OFFICE OF THE REGISTRAR  
OF TITLES  
HENNEPIN COUNTY, MINNESOTA  
CERTIFIED FILED ON

MAR 3 1995 11 AM

BY R. Dan Carlson REGISTRAR  
OF TITLES  
DEPUTY

#348

## EASEMENT MAINTENANCE AGREEMENT

THIS AGREEMENT is made as of February 6, 1995 by TIMOTHY R. MURPHY, a married individual ("Murphy"), in favor of the CITY OF EDINA, MINNESOTA, a Minnesota municipal corporation ("City").

### RECITALS:

A. Murphy is the owner of the real estate legally described on Exhibit A attached hereto (the "Service Station Property").

B. At Murphy's request, the City has vacated that portion of Summit Avenue adjoining the Service Station Property pursuant to City Council Resolution No. \_\_\_\_\_, dated February 6, 1995, reserving to the City an easement for emergency vehicle ingress, egress and access over that portion of vacated Summit Avenue described on Exhibit B attached hereto (the "Access Easement").

C. As a condition to vacating said portion of Summit Avenue, the City has required that Murphy enter into this Agreement providing for private maintenance of the Access Easement.

### AGREEMENT:

In consideration of the vacation described above and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Murphy, on behalf of himself and his successors and assigns, hereby agrees as follows:

### ARTICLE I

#### Definitions

As used in this Agreement, the following terms have the following definitions:

Laws and Regulations: All federal, state and local statutes, regulations, codes, ordinances and rules and all orders, directives, decisions or requirements of any court or other governmental authority, now in effect or hereafter enacted or announced, which are applicable to any of the matters discussed or described in this Agreement.

Owners: All present and future owners from time to time of legal or equitable fee title to all or any part of the Service Station Property, each of whom is an "Owner."

RECEIVED  
TAXPAYER SERVICES

FEB 28 1995

DEPUTY

## ARTICLE II

### Access Easement

Section 2.01 Use of Easement. Murphy hereby acknowledges and consents to the Access Easement and agrees that the access easement may be used by the City and its officials, agents, employees, contractors and invitees for emergency vehicle ingress, egress and access purposes, including without limitation the provision of police and fire protection and ambulance services to the "Summit Point" property adjoining the Access Easement on the North.

Section 2.02 Obstruction of Easement. No barrier of any kind which restricts, prevents or obstructs the use of the Access Easement shall be erected or permitted and the Owners shall make no use shall of the Access Easement which is inconsistent with the provisions of this Agreement.

## ARTICLE III

### Operating Covenants

Section 3.01 Maintenance and Repair. The Owners shall, at their expense, perform all maintenance, repairs and replacements with respect to the Access Easement, including but not limited to prompt removal of snow and ice, which is reasonably necessary to maintain the use and benefit of the Access Easement, and keep and maintain the improvements on the Access Easement in good condition and repair in accordance with all applicable Laws and Regulations.

Section 3.02 Utilities. The Owners shall separately obtain and pay for all utilities and services, if any, required for the operation and maintenance of the Access Easement, including any lighting within the easement area.

Section 3.03 Indemnity. The Owners shall hold harmless and indemnify the City, its agents, employees, successors and assigns, from and against all loss, costs, damage, actions, suits, judgments and expense, including reasonable attorneys' fees, arising out of or due to, the negligence or willful misconduct of any Owner or any Owner's agents, employees or contractors in their use or maintenance of the Access Easement, except to the extent due to or a result of, the negligence or willful misconduct of the City or its agents, employees or contractors.

## ARTICLE IV

### Default and Remedies

Section 4.01 Default; Remedies. If any Owner defaults in any of such Owner's obligations under this Agreement and fails to commence such action as is necessary to cure such default within thirty (30) days after written notice of default is given by the City, or fails to proceed diligently thereafter to cure such default, or in the event of an emergency, the City may enforce such obligations by an action at law or suit in equity, or may perform such obligations and charge the cost of performing to the defaulting Owner. The City is hereby granted a right of entry onto the Service Station Property, with such personnel, materials and equipment as may be necessary for purposes of performing any obligation of the Owners which has not been performed within the time allowed, provided that the City shall not unreasonably interfere with the Owners' use of the Service Station Property. Notwithstanding anything to the contrary contained in this Agreement, in the event of an emergency involving an imminent threat to human health or safety or the likelihood of substantial property damage, and also with regards to the removal of ice or snow after a snowfall, the foregoing right of entry may be exercised with only such notice as is practical under the circumstances, which may include notice given after the fact.

## ARTICLE V

### Miscellaneous

Section 5.01 Severability. The invalidity of any covenant, restriction, condition, limitation, provision, paragraph or clause of this Agreement, or of any part of the same, or the application thereof to any person or circumstance, shall not impair or affect in any manner the validity, enforceability, or effect of the rest of this Agreement, or the application of any such covenant, restriction, condition, limitation, provision, paragraph or clause to any other person or circumstance.

Section 5.02 Minnesota Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Minnesota.

Section 5.03 Covenants Running With Land; Successors and Assigns. The terms, covenants and provisions of this Agreement shall run with title to the land described herein, shall inure to the benefit of the City and its successors and assigns, and shall be binding on all Owners, jointly and severally, provided that each Owner's liability hereunder shall be limited to those obligations arising or accruing during such Owner's period of ownership of legal or equitable title to all or any portion of the Service Station Property.





## EXHIBIT A

### Service Station Property

Being parts of Lots 6, 7, 8, 9 and 10, Block 4, Grand View Heights, beginning at an iron monument at the intersection of the westerly right-of-way line of Summit Avenue (a 46 foot right-of-way) and the curved Northwesterly right-of-way line of U.S. Highways No. 169 and 212 (a 100 foot right-of-way); thence in a Southwesterly direction along the curved right-of-way line of U.S. Highways No. 169 and No. 212 curving to the left and having an arc length of 169.17 feet, radius of 716.20 feet, chord length of 168.67 feet to an iron monument thence in a Westerly direction along the Southerly boundary of Lot 10 a distance of 48.8 feet to an iron monument; thence in a Northerly direction along the Westerly boundaries of Lots 10, 9, 8, 7 and 6 and forming an interior angle of 89 degrees 56 minutes 30 seconds, with the Southerly boundary of Lot 10 a distance of 300.0 feet to an iron monument; thence in a Easterly direction along the Northerly boundary of Lot 6 and forming an interior angle of 90 degrees 03 minutes 30 seconds with the Westerly boundaries of Lots 10, 9, 8, 7 and 6 a distance of 140.0 feet to an iron monument; thence in a Southerly direction along the Westerly right-of-way line of Summit Avenue a distance of 158.11 feet to the point of beginning, according to the plat thereof on file and of record in the office of the Register of Deeds in and for Hennepin County, Minnesota.

The above described parcel of land includes registered land described as follows:

Lot 8 and Lot 10, except State Highway No. 5, in Block 4, Grand View Heights according to the plat thereof on file or of record in the office of the Register of Deeds in and for said Hennepin County, the same being Registered Land as is evidenced by Certificate of Title No. 515672 dated March 12, 1975.

Together with that part of Summit Avenue, originally dedicated in the record plat of "GRAND VIEW HEIGHTS" and now vacated which lies southerly of the easterly extension of the northerly line of Lot 6, Block 4, in said plat and lying northerly of the northwesterly right-of-way line of County Road No. 158 (formerly U.S. Highway Nos. 169 and 212); except that part of vacated Summit Avenue, if any, which accrued to the County of Hennepin, Minnesota upon the vacation thereof.

## EXHIBIT B

### Access Easement

That part of Summit Avenue, originally dedicated in the recorded plat of GRAND VIEW HEIGHTS and now vacated, which lies Southerly of the Easterly extension of the Northerly line of Lot 6, Block 4 in said plat, and Northerly of the Northwesternly right-of-way line of County Road No. 158 (formerly U.S. Highway Nos. 169 and 212) and Easterly of the following described line:

Beginning at the intersection of the centerline of said Summit Avenue with the Northwesternly right-of-way line of said County Road No. 158; thence Northerly along said centerline to a point 25.00 feet Southerly from the Easterly extension of the Northerly line of Lot 6, Block 4 in said plat; thence Northwesternly deflecting to the left 20 degrees 00 minutes 00 seconds to said Easterly extended line and there terminating.

2592917

REGISTERED VOL 26661

PAGE 793 949 ✓  
JK.

COPY

OFFICE OF THE REGISTRAR  
OF TITLES  
HENNEPIN COUNTY, MINNESOTA  
CERTIFIED FILED ON

MAR 3 1995 11AM

BY R. Dan Carlson REGISTRAR  
OF TITLES  
DEPUTY

DORSEY, WHITTNEY (DEFT A.) # 209

# DORSEY & WHITNEY

PROFESSIONAL LIMITED LIABILITY PARTNERSHIP

NEW YORK  
WASHINGTON, D. C.

DENVER  
ORANGE COUNTY, CA

LONDON  
BRUSSELS

PILLSBURY CENTER SOUTH  
220 SOUTH SIXTH STREET  
MINNEAPOLIS, MINNESOTA 55402-1498  
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FAX (612) 340-2868

JOHN S. CLIFFORD  
(612) 340-5618

ROCHESTER, MN

BILLINGS  
GREAT FALLS

MISSOULA  
DES MOINES  
FARGO

March 13, 1995

Marcella M. Daehn  
City Clerk - City of Edina  
4801 West 50th Street  
Edina, Minnesota 55424-1394

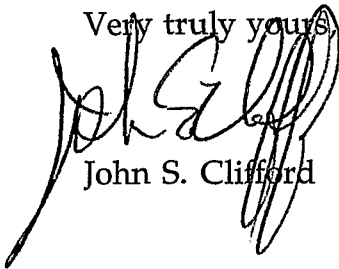
RE: Murphy Service Station Property

Dear Ms. Daehn:

Enclosed are original recorded copies of the Notice of Completion of Proceedings on Vacation of Easement for Street Purposes and the Easement Maintenance Agreement which have been recorded in the Hennepin County Recorder's Office. We also recorded these documents in the Registrar of Titles Office. When we get the attested copies back I will send them to you.

Please call if you have any questions.

Very truly yours,

  
John S. Clifford

JSC:mkp  
Encl.

cc: Craig Larsen  
Jerome P. Gilligan



Original filed in Engineering Dept -  
3-24-95

City of Edina

**NOTICE OF COMPLETION OF PROCEEDINGS  
ON VACATION OF EASEMENT FOR STREET PURPOSES  
IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota on February 6, 1995, adopted a "Resolution Vacating Summit Avenue Subject to the Reservation by the City of an Easement Over a Portion Thereof", after public hearing and notice thereof as required by law and after determining it to be in the best interest of the City and of the public that said easement vacation be made, which resolution ordered the vacation of the following described easement for street purposes, all as platted and of record in the office of the County Recorder in and for Hennepin County, Minnesota:

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with the City reserving an easement for emergency vehicle ingress, egress and access over that part of Summit Avenue which lies Southerly of the Easterly extension of the Northerly line of Lot 6, Block 4, in said plat, and Northerly of the Northwestern right-of-way line of County Road No. 158 (formerly U.S. Highway Nos. 169 and 212) and Easterly of the following described line:

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The time of completion of proceedings and the effective date of said vacation is February 7, 1995.

BY ORDER OF THE CITY COUNCIL,  
CITY OF EDINA

  
Marcella M. Daehn  
City Clerk

TRANSFER ENTERED,  
HENNEPIN COUNTY TAXPAYER SERVICES

FEB 28 1995.

BY  HENNEPIN COUNTY CLERK  
DEPUTY

OFFICIAL COUNTY RECORDER  
HENRY COUNTY, MINNESOTA

CERTIFIED TRUE AND COR  
RECT COPY

1995 FEB 28 AM 10:45

SECTION # **6401885**  
MINNESOTA CO. RECORDER

VERITY

Public  
Trust  
Certificate

EASEMENT MAINTENANCE AGREEMENT

THIS AGREEMENT is made as of February 6, 1995 by TIMOTHY R. MURPHY, a married individual ("Murphy"), in favor of the CITY OF EDINA, MINNESOTA, a Minnesota municipal corporation ("City").

RECITALS:

A. Murphy is the owner of the real estate legally described on Exhibit A attached hereto (the "Service Station Property").

B. At Murphy's request, the City has vacated that portion of Summit Avenue adjoining the Service Station Property pursuant to City Council Resolution No. \_\_\_\_\_, dated February 6, 1995, reserving to the City an easement for emergency vehicle ingress, egress and access over that portion of vacated Summit Avenue described on Exhibit B attached hereto (the "Access Easement").

C. As a condition to vacating said portion of Summit Avenue, the City has required that Murphy enter into this Agreement providing for private maintenance of the Access Easement.

AGREEMENT:

In consideration of the vacation described above and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Murphy, on behalf of himself and his successors and assigns, hereby agrees as follows:

ARTICLE I

Definitions

As used in this Agreement, the following terms have the following definitions:

Laws and Regulations: All federal, state and local statutes, regulations, codes, ordinances and rules and all orders, directives, decisions or requirements of any court or other governmental authority, now in effect or hereafter enacted or announced, which are applicable to any of the matters discussed or described in this Agreement.

Owners: All present and future owners from time to time of legal or equitable fee title to all or any part of the Service Station Property, each of whom is an "Owner."

RECEIVED  
CITY OF EDINA  
FEB 23 1995  
BY: [Signature] DEPU



## ARTICLE II

### Access Easement

Section 2.01 Use of Easement. Murphy hereby acknowledges and consents to the Access Easement and agrees that the access easement may be used by the City and its officials, agents, employees, contractors and invitees for emergency vehicle ingress, egress and access purposes, including without limitation the provision of police and fire protection and ambulance services to the "Summit Point" property adjoining the Access Easement on the North.

Section 2.02 Obstruction of Easement. No barrier of any kind which restricts, prevents or obstructs the use of the Access Easement shall be erected or permitted and the Owners shall make no use shall of the Access Easement which is inconsistent with the provisions of this Agreement.

## ARTICLE III

### Operating Covenants

Section 3.01 Maintenance and Repair. The Owners shall, at their expense, perform all maintenance, repairs and replacements with respect to the Access Easement, including but not limited to prompt removal of snow and ice, which is reasonably necessary to maintain the use and benefit of the Access Easement, and keep and maintain the improvements on the Access Easement in good condition and repair in accordance with all applicable Laws and Regulations.

Section 3.02 Utilities. The Owners shall separately obtain and pay for all utilities and services, if any, required for the operation and maintenance of the Access Easement, including any lighting within the easement area.

Section 3.03 Indemnity. The Owners shall hold harmless and indemnify the City, its agents, employees, successors and assigns, from and against all loss, costs, damage, actions, suits, judgments and expense, including reasonable attorneys' fees, arising out of or due to, the negligence or willful misconduct of any Owner or any Owner's agents, employees or contractors in their use or maintenance of the Access Easement, except to the extent due to or a result of, the negligence or willful misconduct of the City or its agents, employees or contractors.

## ARTICLE IV

### Default and Remedies

Section 4.01 Default; Remedies. If any Owner defaults in any of such Owner's obligations under this Agreement and fails to commence such action as is necessary to cure such default within thirty (30) days after written notice of default is given by the City, or fails to proceed diligently thereafter to cure such default, or in the event of an emergency, the City may enforce such obligations by an action at law or suit in equity, or may perform such obligations and charge the cost of performing to the defaulting Owner. The City is hereby granted a right of entry onto the Service Station Property, with such personnel, materials and equipment as may be necessary for purposes of performing any obligation of the Owners which has not been performed within the time allowed, provided that the City shall not unreasonably interfere with the Owners' use of the Service Station Property. Notwithstanding anything to the contrary contained in this Agreement, in the event of an emergency involving an imminent threat to human health or safety or the likelihood of substantial property damage, and also with regards to the removal of ice or snow after a snowfall, the foregoing right of entry may be exercised with only such notice as is practical under the circumstances, which may include notice given after the fact.

## ARTICLE V

### Miscellaneous

Section 5.01 Severability. The invalidity of any covenant, restriction, condition, limitation, provision, paragraph or clause of this Agreement, or of any part of the same, or the application thereof to any person or circumstance, shall not impair or affect in any manner the validity, enforceability, or effect of the rest of this Agreement, or the application of any such covenant, restriction, condition, limitation, provision, paragraph or clause to any other person or circumstance.

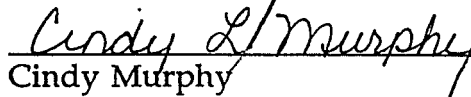
Section 5.02 Minnesota Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Minnesota.

Section 5.03 Covenants Running With Land; Successors and Assigns. The terms, covenants and provisions of this Agreement shall run with title to the land described herein, shall inure to the benefit of the City and its successors and assigns, and shall be binding on all Owners, jointly and severally, provided that each Owner's liability hereunder shall be limited to those obligations arising or accruing during such Owner's period of ownership of legal or equitable title to all or any portion of the Service Station Property.

Section 5.04 Joinder of Spouse. Cindy Murphy, wife of Timothy R. Murphy, is joining in this Agreement for the sole purpose of subjecting her inchoate interest in the Service Station Property to the terms of this Agreement.

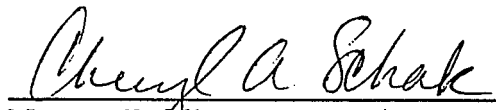
This Agreement has been executed and delivered as of the date first above written.

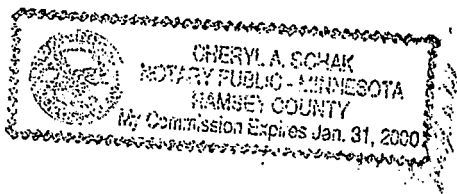
  
\_\_\_\_\_  
Timothy R. Murphy

  
\_\_\_\_\_  
Cindy Murphy

STATE OF MINNESOTA   )  
  ) ss.  
COUNTY OF                           )

The foregoing instrument was acknowledged before me this 6th day of February, 1995, by Timothy R. Murphy and Cindy Murphy, husband and wife.

  
\_\_\_\_\_  
Notary Public



This instrument was drafted by:  
Dorsey & Whitney P.L.L.P. (JSC)  
220 South Sixth Street  
Minneapolis, MN 55402

## EXHIBIT A

### Service Station Property

Being parts of Lots 6, 7, 8, 9 and 10, Block 4, Grand View Heights, beginning at an iron monument at the intersection of the westerly right-of-way line of Summit Avenue (a 46 foot right-of-way) and the curved Northwesterly right-of-way line of U.S. Highways No. 169 and 212 (a 100 foot right-of-way); thence in a Southwesterly direction along the curved right-of-way line of U.S. Highways No. 169 and No. 212 curving to the left and having an arc length of 169.17 feet, radius of 716.20 feet, chord length of 168.67 feet to an iron monument thence in a Westerly direction along the Southerly boundary of Lot 10 a distance of 48.8 feet to an iron monument; thence in a Northerly direction along the Westerly boundaries of Lots 10, 9, 8, 7 and 6 and forming an interior angle of 89 degrees 56 minutes 30 seconds, with the Southerly boundary of Lot 10 a distance of 300.0 feet to an iron monument; thence in a Easterly direction along the Northerly boundary of Lot 6 and forming an interior angle of 90 degrees 03 minutes 30 seconds with the Westerly boundaries of Lots 10, 9, 8, 7 and 6 a distance of 140.0 feet to an iron monument; thence in a Southerly direction along the Westerly right-of-way line of Summit Avenue a distance of 158.11 feet to the point of beginning, according to the plat thereof on file and of record in the office of the Register of Deeds in and for Hennepin County, Minnesota.

The above described parcel of land includes registered land described as follows:

Lot 8 and Lot 10, except State Highway No. 5, in Block 4, Grand View Heights according to the plat thereof on file or of record in the office of the Register of Deeds in and for said Hennepin County, the same being Registered Land as is evidenced by Certificate of Title No. 515672 dated March 12, 1975.

Together with that part of Summit Avenue, originally dedicated in the record plat of "GRAND VIEW HEIGHTS" and now vacated which lies southerly of the easterly extension of the northerly line of Lot 6, Block 4, in said plat and lying northerly of the northwesterly right-of-way line of County Road No. 158 (formerly U.S. Highway Nos. 169 and 212); except that part of vacated Summit Avenue, if any, which accrued to the County of Hennepin, Minnesota upon the vacation thereof.

EXHIBIT B

Access Easement

That part of Summit Avenue, originally dedicated in the recorded plat of GRAND VIEW HEIGHTS and now vacated, which lies Southerly of the Easterly extension of the Northerly line of Lot 6, Block 4 in said plat, and Northerly of the Northwesterly right-of-way line of County Road No. 158 (formerly U.S. Highway Nos. 169 and 212) and Easterly of the following described line:

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OFFICE OF THE RECORDER  
HALL COUNTY, MINNESOTA

RECORDED AND OR  
INDEXED ON

1905 FEB 23 AM 10:46

RECORDED BY

**6401886**

HALL COUNTY, MINNESOTA CO. RECORDER

NOTARY



Public  
Filing  
Certificate



City of Edina

February 23, 1995

Mr. Jerome P. Gilligan  
Dorsey & Whitney  
220 South Sixth Street  
Minneapolis MN 55402-1498

Re: Notice of Completion of Proceedings  
Vacation of Summit Avenue

Dear Jerry:

Enclosed are two certified copies of Notice of Completion of Proceedings for the above referenced easement vacation granted by the Edina City Council on February 6, 1995.

Please have the Notice of Completion entered into the transfer record of the County Auditor and filed with the County Recorder and then return the recorded document to me.

Sincerely,

A handwritten signature in cursive script, reading "Marcella M. Daehn", is positioned above the typed name.

Marcella M. Daehn  
City Clerk

enclosures (2)



City of Edina

**NOTICE OF COMPLETION OF PROCEEDINGS  
ON VACATION OF EASEMENT FOR STREET PURPOSES  
IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota on February 6, 1995, adopted a "Resolution Vacating Summit Avenue Subject to the Reservation by the City of an Easement Over a Portion Thereof", after public hearing and notice thereof as required by law and after determining it to be in the best interest of the City and of the public that said easement vacation be made, which resolution ordered the vacation of the following described easement for street purposes, all as platted and of record in the office of the County Recorder in and for Hennepin County, Minnesota:

That part of Summit Avenue as dedicated in the plat of GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:


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with the City reserving an easement for emergency vehicle ingress, egress and access over that part of Summit Avenue which lies Southerly of the Easterly extension of the Northerly line of Lot 6, Block 4, in said plat, and Northerly of the Northwestern right-of-way line of County Road No. 158 (formerly U.S. Highway Nos. 169 and 212) and Easterly of the following described line:

Beginning at intersection of the centerline of said Summit Avenue with the Northwestern right-of-way line of said County Road No. 158; thence Northerly along said centerline to a point 25.00 feet Southerly from the Easterly extension of the Northerly line of Lot 6, Block 4 in said plat; thence Northwesternly deflecting to the left 20 degrees 00 minutes 00 seconds to said Easterly extended line and there terminating.

The time of completion of proceedings and the effective date of said vacation is February 7, 1995.

**BY ORDER OF THE CITY COUNCIL,  
CITY OF EDINA**

  
\_\_\_\_\_  
Marcella M. Daehn  
City Clerk





City of Edina

**NOTICE OF COMPLETION OF PROCEEDINGS  
ON VACATION OF EASEMENT FOR STREET PURPOSES  
IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota on February 6, 1995, adopted a "Resolution Vacating Summit Avenue Subject to the Reservation by the City of an Easement Over a Portion Thereof", after public hearing and notice thereof as required by law and after determining it to be in the best interest of the City and of the public that said easement vacation be made, which resolution ordered the vacation of the following described easement for street purposes, all as platted and of record in the office of the County Recorder in and for Hennepin County, Minnesota:

That part of Summit Avenue as dedicated in the plat of GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

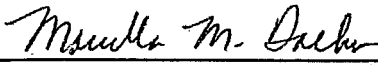
That part of Summit Avenue lying Southerly of the Easterly extension of the Northerly line of Lot 6, Block 4, in said plat, and Northerly of the Northwestern right-of-way line of County Road No. 158 (formerly U.S. Highway Nos. 169 and 212),

with the City reserving an easement for emergency vehicle ingress, egress and access over that part of Summit Avenue which lies Southerly of the Easterly extension of the Northerly line of Lot 6, Block 4, in said plat, and Northerly of the Northwestern right-of-way line of County Road No. 158 (formerly U.S. Highway Nos. 169 and 212) and Easterly of the following described line:

Beginning at intersection of the centerline of said Summit Avenue with the Northwestern right-of-way line of said County Road No. 158; thence Northerly along said centerline to a point 25.00 feet Southerly from the Easterly extension of the Northerly line of Lot 6, Block 4 in said plat; thence Northwesternly deflecting to the left 20 degrees 00 minutes 00 seconds to said Easterly extended line and there terminating.

The time of completion of proceedings and the effective date of said vacation is February 7, 1995.

BY ORDER OF THE CITY COUNCIL,  
CITY OF EDINA

  
\_\_\_\_\_  
Marcella M. Daehn  
City Clerk

to allow staff to bring back further information on the issues and concerns raised by the Council. Motion was seconded by Member Kelly.

Ayes: Kelly, Maetzold, Paulus, Smith, Richards  
Motion carried.

**PUBLIC HEARING HELD ON VACATION OF PORTION OF SUMMIT AVENUE** Affidavits of Notice were presented, approved and ordered placed on file.

Presentation by Attorney

Attorney Gilligan spoke to his memorandum dated February 3, 1995, regarding Murphy's Service Center located at 5100 Vernon Avenue and the vacating of Summit Avenue. He recalled that in 1993 as a part of the approval of the Murphy's Service Center redevelopment the City adopted a resolution vacating Summit Avenue, subject to the condition that the City be granted an easement over the easterly portion of vacated Summit Avenue for emergency vehicle access to Summit Point Apartments. Because Hennepin County is an owner of a small piece of property abutting the easterly portion of Summit Avenue, it is necessary for Hennepin County to join in the easement. Attorney Gilligan explained that to date, Murphy's Service Center and the City have been unsuccessfully in obtaining Hennepin County's consent to the easement. Consequently, the vacation of Summit Avenue has not been completed.

In order to complete this matter, Attorney Gilligan said he would recommend that the City adopt a new resolution vacating Summit Avenue with the City specifically reserving in the vacation resolution an easement for emergency vehicle access to Summit Point Apartments over the easterly portion of vacated Summit Avenue. As a part of this approval, he said the Council should rescind its 1993 resolution vacating Summit Avenue.

Council Comment

Attorney Gilligan answered Member Maetzold's inquiry that the City is no longer responsible for snowplowing or maintenance of this area if the resolution is adopted. A maintenance agreement between Mr. Murphy and the City would transfer this responsibility to Mr. Murphy.

Member Smith introduced the following resolution and moved adoption:

**RESOLUTION VACATING SUMMIT AVENUE  
SUBJECT TO THE RESERVATION BY THE CITY  
OF AN EASEMENT OVER A PORTION THEREOF**

WHEREAS, two week's published and posted notice of a public hearing on the proposed vacation of Summit Avenue was given and the hearing on the proposed street vacation was held on the 6th day of February, 1995, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and WHEREAS, the Council deems it to be in the best interest of the City and of the public that said street vacation be made subject to a reservation by the City of an easement over a portion of the street for emergency vehicle ingress, egress and access; and

WHEREAS, the Council has considered the extent to which the vacation affects existing easements within the area of the vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, cable, or telephone poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same, or to enter upon such street/easement or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, that, subject to the reservation by the City of the easement hereinafter described over a portion of the street, the following described street is hereby vacated effective as of February 6, 1995:

That part of Summit Avenue as dedicated in the plat of GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

That part of Summit Avenue lying Southerly of the Easterly extension of the Northerly line of Lot 6, Block 4 in said plat, and Northerly of the Northwestern right-of-way line of County Road No. 158 (formerly U.S. Highway Nos. 169 and 212),

with the City reserving an easement for emergency vehicle ingress, egress and access over that part of Summit Avenue which lies Southerly of the Easterly extension of the Northerly line of Lot 6, Block 4 in said plat, and Northerly of the Northwestern right-of-way line of County Road No. 158 (formerly U.S. Highway Nos. 169 and 212) and Easterly of the following described line:

Beginning at the intersection of the centerline of said Summit Avenue with the Northwestern right-of-way line of said County Road No. 158; thence Northerly along said centerline of a point 25.00 feet Southerly from the Easterly extension of the Northerly line of Lot 6, Block 4 in said plat; thence Northwesternly deflecting to the left 20 degrees 00 minutes 00 seconds to said Easterly extended line and there terminating.

The Clerk is authorized and directed to cause a Notice of Completion of Proceedings to be prepared, entered in the transfer record of the County Auditor, and filed with the County Recorder in accordance with Minnesota Statutes, Section 412.851.

Motion was seconded by Member Maetzold.

Rollcall:

Ayes: Kelly, Maetzold, Paulus, Smith, Richards

Resolution adopted.

Member Smith then made a motion for adoption of the following resolution:

**RESOLUTION RESCINDING APRIL 5, 1993 RESOLUTION ADOPTED**

**BY THE CITY CONCERNING VACATION OF SUMMIT AVENUE**

WHEREAS, the City Council of Edina, Minnesota, adopted a Resolution Vacating Summit Avenue on April 5, 1993;

WHEREAS, the City Council has adopted a new resolution vacating Summit Avenue subject to the reservation by the City of an easement for emergency vehicle access over a portion thereof;

BE IT RESOLVED that the City Council hereby rescinds its prior resolution of April 5, 1993.

Motion was seconded by Member Maetzold.

Rollcall:

Ayes: Kelly, Maetzold, Paulus, Smith, Richards

Resolution adopted.

**\*BID AWARDED FOR TOP DRESSING AND SAND FOR BRAEMAR GOLF COURSE** Motion was made by Member Kelly and was seconded by Member Smith for award of bid for top dressing and sand for Braemar Golf Course for 1995 to recommended low bidder, Leitner, Inc., for total cost not to exceed \$12,000.00.

Motion carried on rollcall vote - five ayes.

**\*BID AWARDED FOR TERRA TOPPER FOR BRAEMAR GOLF COURSE** Motion was made by Member Kelly and was seconded by Member Smith for award of bid for a 1995 model Terra Topper for Braemar Golf Course to recommended low bidder, Tee Shot Marketing, at \$9,159.00.

Motion carried on rollcall vote - five ayes.

**\*BID AWARDED FOR GASOLINE AND DIESEL FUEL FOR BRAEMAR GOLF COURSE** Motion was made by Member Kelly and was seconded by Member Smith for award of bid for gasoline and diesel fuel for 1995, for Braemar Golf Course to Rollins Oil Company at \$14,000, per Hennepin County bid.

Motion carried on rollcall vote - five ayes.



## AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)

SS.

COUNTY OF HENNEPIN)

Donald W. Thurlow, being duly sworn on an oath says that he/she is the publisher or authorized agent and employee of the publisher of the newspaper known as Sun-Currents, and has full knowledge of the facts which are stated below.

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Notice of Public Hearing

which is attached was cut from the columns of said newspaper, and was printed and published once each week, for two successive weeks; it was first published on Wednesday the 11 day of January, 19 95, and was thereafter printed and published on every Wednesday to and including Wed, the 18 day of January, 19 95; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

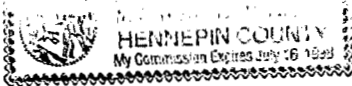
BY: Donald W. Thurlow

TITLE: Publisher

Acknowledged before me on this

20 day of January, 1995.

Marcella M. Daehn  
Notary Public



## RATE INFORMATION

- |  |                         |
|--|-------------------------|
| (1) Lowest classified rate paid by commercial users for comparable space | \$ <u>1.90</u> per line |
| (2) Maximum rate allowed by law for the above matter                     | \$ <u>1.90</u> per line |
| (3) Rate actually charged for the above matter                           | \$ <u>1.02</u> per line |

## City of Edina

(Official Publication)

CITY OF EDINA  
4801 WEST 50TH STREET  
EDINA, MINNESOTA 55424

### NOTICE OF PUBLIC HEARING ON VACATION OF EASEMENT FOR STREET PURPOSES IN THE CITY OF EDINA HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 West 50th Street on February 6, 1995, at 7:00 P.M. for the purpose of holding a public hearing on the proposed vacation of the following easement for street purposes:

That part of Summit Avenue as dedicated in the plat of GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

That part of Summit Avenue lying South of the North line of Lot 6, Block 4, GRAND VIEW

All persons who desire to be heard with respect to the question of whether or not the above proposed easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality own-

proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL  
MARCELLA M. DAHN, City Clerk  
(Jan. 11 & 18, 1995)-ED

(Official Publication)

CITY OF EDINA  
4801 WEST 50TH STREET  
EDINA, MINNESOTA 55424

NOTICE OF PUBLIC HEARING  
ON VACATION OF EASEMENT FOR STREET PURPOSES  
IN THE CITY OF EDINA  
HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 West 50th Street on February 6, 1995, at 7:00 P.M. for the purpose of holding a public hearing on the proposed vacation of the following easement for street purposes:

That part of Summit Avenue as dedicated in the plat of GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

That part of Summit Avenue lying South of the North line of Lot 6, Block 4, GRAND VIEW HEIGHTS and North of County Road No. 158 (Vernon Avenue).

All persons who desire to be heard with respect to the question of whether or not the above proposed easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone, or cable poles and lines, gas and sewer lines, or water pipes, mains and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL

Marcella M. Daehn, City Clerk

Publish in the Edina Sun-Current on January 11 and 18, 1995  
Send two Affidavits of Publication

## DORSEY & WHITNEY

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FAX (612) 340-2868

JEROME P. GILLIGAN  
(612) 340-2862

ROCHESTER, MN  
BILLINGS  
GREAT FALLS  
MISSOULA  
DES MOINES  
FARGO

February 17, 1995

Ms. Marcella Daehn  
City of Edina  
4801 West 50th Street  
Edina, MN 55424

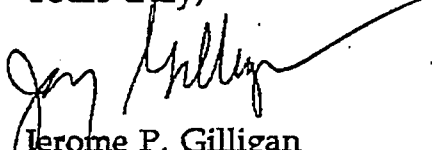
Re: Vacation of Summit Avenue

Dear Marce:

Enclosed is a form of resolution vacating Summit Avenue subject to the reservation by the City of an easement for emergency vehicle access over a portion thereof. We should also include in the minutes for the February 6th meeting a resolution rescinding the April 5, 1993 resolution vacating Summit Avenue which never became effective.

If you have any questions, please give me a call.

Yours truly,

  
Jerome P. Gilligan  
Dorsey & Whitney P.L.L.P.

JPG:cmn  
Enclosure

Dorsey & Whitney P.L.L.P. is a  
Professional Limited Liability Partnership

**RESOLUTION VACATING SUMMIT AVENUE  
SUBJECT TO THE RESERVATION BY THE CITY  
OF AN EASEMENT OVER A PORTION THEREOF**

WHEREAS, two weeks published and posted notice of a public hearing on the proposed vacation of Summit Avenue was given and the hearing on the proposed street vacation was held on the 6th day of February, 1995, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and

WHEREAS, the Council deems it to be in the best interest of the City and of the public that said street vacation be made subject to a reservation by the City of an easement over a portion of the street for emergency vehicle ingress, egress and access; and

WHEREAS, the Council has considered the extent to which the vacation affects existing easements within the area of the vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, cable, or telephone poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same, or to enter upon such street/easement or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, that, subject to the reservation by the City of the easement hereinafter described over a portion of the street, the following described street is hereby vacated effective as of February 6, 1995:

That part of Summit Avenue as dedicated in the plat of GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

That part of Summit Avenue lying Southerly of the Easterly extension of the Northerly line of Lot 6, Block 4, in said plat, and Northerly of the Northwesternly right-of-way line of County Road No. 158 (formerly U.S. Highway Nos. 169 and 212),

with the City reserving an easement for emergency vehicle ingress, egress and access over that part of Summit Avenue which lies Southerly of the Easterly extension of the Northerly line of Lot 6, Block 4 in said plat, and Northerly of the Northwesternly right-of-way line of County Road No. 158 (formerly U.S. Highway Nos. 169 and 212) and Easterly of the following described line:

Beginning at the intersection of the centerline of said Summit Avenue with the Northwestern right-of-way line of said County Road No. 158; thence Northerly along said centerline to a point 25.00 feet Southerly from the Easterly extension of the Northerly line of Lot 6, Block 4 in said plat; thence Northwesternly deflecting to the left 20 degrees 00 minutes 00 seconds to said Easterly extended line and there terminating.

The Clerk is authorized and directed to cause a notice of completion of proceedings to be prepared, entered in the transfer record of the County Auditor, and filed with the County Recorder in accordance with Minnesota Statutes, Section 412.851.



AGENDA ITEM III.A**MEMORANDUM**

TO: Mayor and Member of the City Council  
Kenneth E. Rosland, City Manager

FROM: Jerry Gilligan

DATE: February 3, 1995

RE: Murphy's Service Center - Vacating of Summit Avenue

In 1993, as a part of the approval of the Murphy's Service Center redevelopment, the City adopted a resolution vacating Summit Avenue subject to the condition that the City be granted an easement over the easterly portion of vacated Summit Avenue for emergency vehicles access to Summit Point Apartments. Because Hennepin County is an owner of a small piece of property abutting the easterly portion of Summit Avenue, it is necessary for Hennepin County to join in the easement. Murphy's Service Center and the City have been unsuccessful in obtaining Hennepin County's consent to the easement. Consequently, the vacation of Summit Avenue has not been completed.

To clean up this matter, I recommend that the City adopt a new resolution vacating Summit Avenue with the City specifically reserving in the vacation resolution an easement for emergency vehicle access to Summit Point Apartments over the easterly portion of vacated Summit Avenue. As a part of this approval the City Council should rescind its 1993 resolution vacating Summit Avenue.

**NOTIFICATION GIVEN OF HOMART DEVELOPMENT PROPOSAL IN BLOOMINGTON** Planner Larsen reminded Council that the 1985 Settlement Agreement with Homart Development Company required that the City be notified of additional development on the Homart site in Bloomington (Minnesota Center). The City has received a site plan which proposes a 136,000 square foot retail center as an interim use for the property. The proposed development is well below the 2,550 P.M. peak trips limit contained in the Agreement. No action required by the Council.

**\*HEARING DATES SET FOR PLANNING MATTERS** Motion was made by Member Kelly and was seconded by Member Smith setting April 19, 1993, as hearing date for the following planning matters:

1. Preliminary Plat Approval - Zuppkewood 2nd Addition, Lot 3, Block 1, Zuppkewood (5316 Blake Road).
2. Rezoning and Comprehensive Plan Amendment - Planned Industrial District to PCD-2, Planned Commercial District - Plan Designation from Industrial to Commercial (Lewis/Kunz Oil Property).

Motion carried on rollcall vote - five ayes.

**RESOLUTION ADOPTED VACATING SUMMIT AVENUE (PORTION LYING SOUTH OF NORTH LINE OF LOT 6, BLOCK 4, GRAND VIEW HEIGHTS)** Affidavits of Notice were presented, approved and ordered placed on file.

Planner Larsen stated that the proposed vacation of Summit Avenue (portion lying South of North line of Lot 6, Block 4, Grand View Heights) should be considered in conjunction with the Final Development Plan for Murphy Automotive, 5100 Vernon Avenue. The only remaining public portion of Summit Avenue extends from the north line of the Murphy Automotive property to its intersection with Vernon Avenue.

Staff would recommend vacating this portion of Summit Avenue subject to:  
 1) private cross easements for adjacent properties to the north and east, and 2) maintenance of public safety and pedestrian access to Summit Point Apartments, and 3) release of Summit Point Apartments from its current responsibility for maintaining this section of Summit Avenue.

Member Rice introduced the following resolution and moved adoption as follows, subject to: 1) private cross-easements for adjacent properties to the north and east, 2) maintenance of public safety and pedestrian access to Summit Point Apartments, and 3) release of Summit Point Apartments from its responsibility for maintaining this section of Summit Avenue:

**RESOLUTION VACATING SUMMIT AVENUE**

**WHEREAS**, a resolution of the City Council, adopted the 16th day of February, 1993, fixed a date for a public hearing on a proposed vacation of Summit Avenue:

**WHEREAS**, two weeks' published and posted notice of said hearing was given and the hearing was held on the 5th day of April, 1993, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and  
**WHEREAS**, the Council deems it to be in the best interest of the City and of the public that said street vacation be made; and

**WHEREAS**, the Council has considered the extent to which the vacation affects existing easements within the area of the vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, cable, or telephone poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same, or to enter upon such street/easement or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Edina, Hennepin County, Minnesota, that the following described street is hereby vacated

effective as of April 6, 1993:

That part of Summit Avenue as dedicated in the plat of GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

That part of Summit Avenue lying South of the North line of Lot 6, Block 4, GRAND VIEW HEIGHTS and North of County Road No. 158 (Vernon Avenue).

The Clerk is authorized and directed to cause a notice of completion of proceedings to be prepared, entered in the transfer record of the County Auditor, and filed with the County Recorder in accordance with Minnesota Statutes, Section 412.851.

Motion was seconded by Member Kelly.

Rollcall:

Ayes: Kelly, Paulus, Rice, Smith, Richards

Resolution adopted.

**RESOLUTION ADOPTED VACATING ALLEY SOUTH OF LOTS 1 AND 2, BLOCK 5 AND WEST OF LOTS 3 THRU 11, BLOCK 5, BROOKSIDE HEIGHTS** Affidavits of Notice were presented, approved, and ordered placed on file.

Presentation by Engineer

Engineer Hoffman recalled that the Council heard the petition to vacate the alley south of Lots 1 and 2, Block 5, and west of Lots 3 thru 11, Block 5, all in Brookside Heights on March 15, 1993. The alley has no public usage and has not been improved. The north/south portion of the platted alley is only half the normal width but has existing power line poles. Northern States Power and Paragon Cable have asked the right to service and maintain their lines located on the north/south alley portion. The request was initiated by the City because the land strip has been subject to dumping of debris.

At the March 15, 1993, meeting the Council continued the matter and asked staff to obtain further input from the abutting property owners concerning possible options. On March 30, 1993, a letter was mailed advising that the staff recommendation was to vacate the public alley land and that the Council was seeking opinions on the following options:

- A) Do not vacate the alley land. Leave as is for possible future construction of an alley.
- B) Vacate the alley land. Each property owner could file to pick-up the vacated adjacent alley land and attach it to their property. City Assessor does not anticipate a change of property value as a result of such action.
- C) Construct a public alley. Estimated cost per property of \$3,500 to \$4,500 would be spread over ten years as a special assessment. The cost is high as little benefit is gained by land west of the alley.

Engineer Hoffman reported that there were five responses, property owners at 5020 and 5028 Oxford Avenue did not want the alley vacated, property owners at 5016 and 5044 Oxford thought the alley should be vacated, and Mr. Zachman, 5343 Interlachen Boulevard, deferred to the wishes of the residents on the north/south portion of the alley. Mr. Zachman's main issue was to seek removal of a butternut tree located on the alley land adjacent to his lot. Northern States Power had indicated that they would grant enough land at no cost if the City eventually wanted to put in the alley.

Vito LoPesio, 5044 Oxford Avenue, said he felt the alley should not be constructed because of the cost and that the alley should probably be vacated. No further comments or objections were heard.

Member Kelly introduced the following resolution and moved approval:



## AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)

SS.

COUNTY OF HENNEPIN)

Donald W. Thurlow, being duly sworn on an oath says that he/she is the publisher or authorized agent and employee of the publisher of the newspaper known as Sun-Currents, and has full knowledge of the facts which are stated below.

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Notice of Public Hearing

which is attached was cut from the columns of said newspaper, and was printed and published once each week, for two successive weeks; it was first published on Wednesday the 11 day of January, 19 95, and was thereafter printed and published on every Wednesday to and including Wed, the 18 day of January, 19 95; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

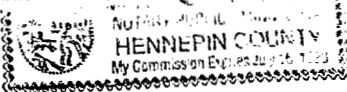
BY: [Signature]

TITLE: Publisher

Acknowledged before me on this

20 day of January, 1995.

[Signature]  
Notary Public



### RATE INFORMATION

- |  |                         |
|--|-------------------------|
| (1) Lowest classified rate paid by commercial users for comparable space | \$ <u>1.90 per line</u> |
| (2) Maximum rate allowed by law for the above matter                     | \$ <u>1.90 per line</u> |
| (3) Rate actually charged for the above matter                           | \$ <u>1.02 per line</u> |

### City of Edina

(Official Publication)

CITY OF EDINA  
4801 WEST 50TH STREET  
EDINA, MINNESOTA 55424

NOTICE OF PUBLIC HEARING  
ON VACATION OF EASEMENT FOR  
STREET PURPOSES IN THE CITY OF EDINA  
HENNEPIN COUNTY, MINNESOTA

ment area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.  
BY ORDER OF THE EDINA CITY COUNCIL  
MARCELLA M. DAEHN, City Clerk  
(Jan. 11 & 18, 1995)-ED

CITY OF EDINA  
4801 W. 50TH STREET  
EDINA, MINNESOTA 55424

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by JJA ☒ Acceptable ☐ Opposed ☒ Conditional

MINNEGASCO by \_\_\_\_\_ ☐ Acceptable ☐ Opposed ☐ Conditional

NSP by \_\_\_\_\_ ☐ Acceptable ☐ Opposed ☐ Conditional

PARAGON CABLE by \_\_\_\_\_ ☐ Acceptable ☐ Opposed ☐ Conditional

U.S. WEST by \_\_\_\_\_ ☐ Acceptable ☐ Opposed ☐ Conditional

CONDITIONS: Subject to adequate fire access to Summit  
Place and appropriate cross easements

LOCATION: SUMMIT AVENUE IN PLAT OF GRAND VIEW HEIGHTS

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

Return to: City Clerk  
City of Edina  
4801 W. 50th Street  
Edina, MN 55424



City of Edina

**NOTICE OF PUBLIC HEARING  
ON VACATION OF EASEMENT FOR STREET PURPOSES  
IN THE CITY OF EDINA  
HENNEPIN COUNTY, MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 West 50th Street on March 15, 1993 at 7:00 P.M., for the purpose of holding a public hearing on the proposed vacation of the following easement for street purposes:

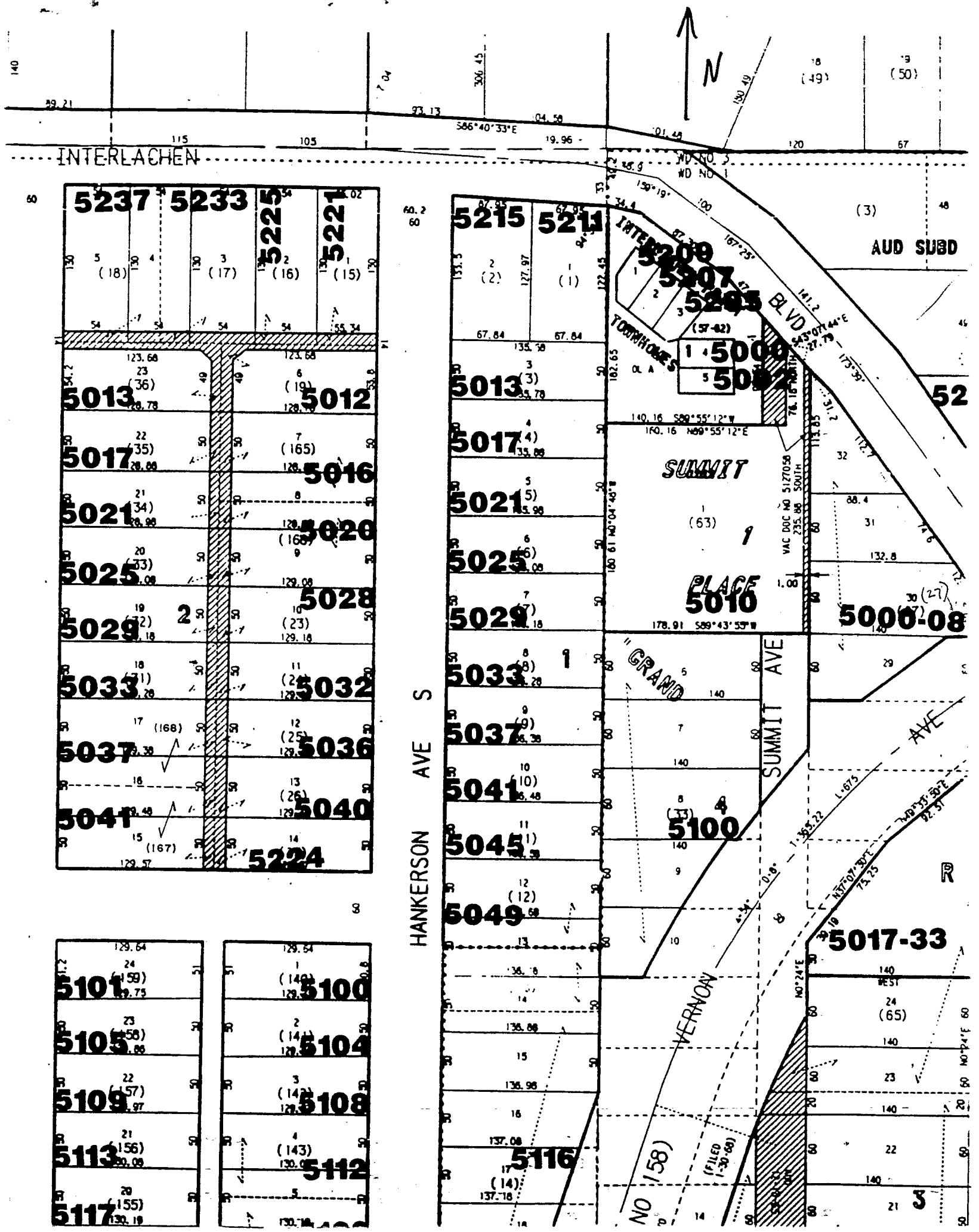
That part of Summit Avenue as dedicated in the plat of GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

That part of Summit Avenue lying South of the North line of Lot 6, Block 4, GRAND VIEW HEIGHTS and North of County Road No. 158 (Vernon Avenue).

All persons who desire to be heard with respect to the question of whether or not the above proposed easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easement, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL  
Marcella M. Daehn  
City Clerk

2/24/93



CITY OF EDINA  
4801 W. 50TH STREET  
EDINA, MINNESOTA 55424

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
MINNEGASCO by <u>Steve V. Bengtson</u>	<input checked="" type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
NSP by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
PARAGON CABLE by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
U.S. WEST by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional

CONDITIONS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LOCATION: SUMMIT AVENUE IN PLAT OF GRAND VIEW HEIGHTS  
\_\_\_\_\_  
\_\_\_\_\_

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

Return to: City Clerk  
City of Edina  
4801 W. 50th Street  
Edina, MN 55424



CITY OF EDINA  
4801 W. 50TH STREET  
EDINA, MINNESOTA 55424

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
MINNEGASCO by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
NSP by <u>S. E. Fraser</u>	<input checked="" type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
PARAGON CABLE by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
U.S. WEST by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional

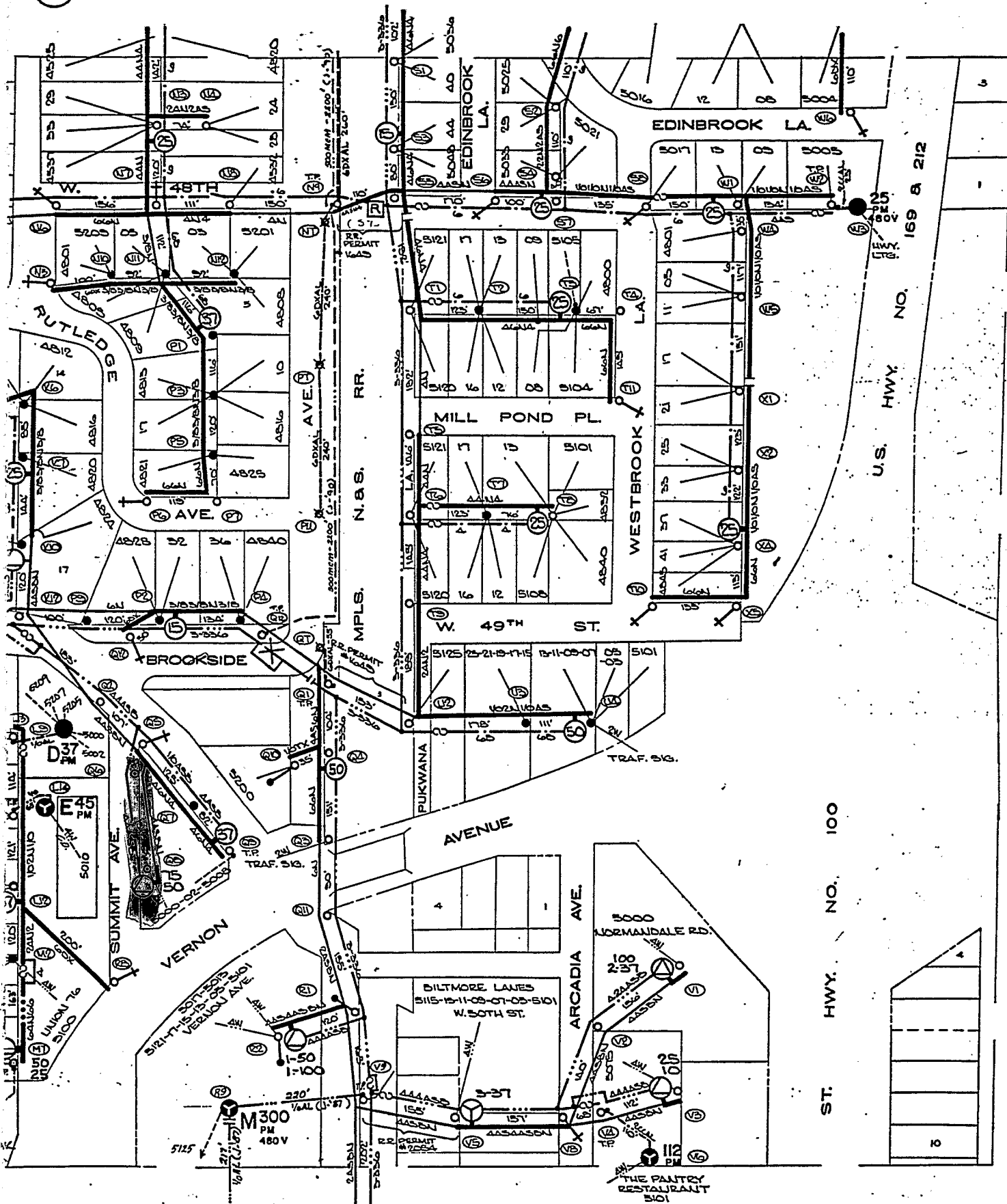
CONDITIONS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LOCATION: SUMMIT AVENUE IN PLAT OF GRAND VIEW HEIGHTS  
\_\_\_\_\_  
\_\_\_\_\_

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

Return to: City Clerk  
City of Edina  
4801 W. 50th Street  
Edina, MN 55424

56



67

ST. HWY. NO. 100

OCT 1992

CITY OF EDINA  
4801 W. 50TH STREET  
EDINA, MINNESOTA 55424

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
MINNEGASCO by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
NSP by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
PARAGON CABLE by <u>Mark Kersse</u>	<input checked="" type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
U.S. WEST by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional

CONDITIONS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LOCATION: SUMMIT AVENUE IN PLAT OF GRAND VIEW HEIGHTS  
\_\_\_\_\_  
\_\_\_\_\_

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

Return to: City Clerk  
City of Edina  
4801 W. 50th Street  
Edina, MN 55424

CITY OF EDINA  
4801 W. 50TH STREET  
EDINA, MINNESOTA 55424

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
MINNEGASCO by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
NSP by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
PARAGON CABLE by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
U.S. WEST by <u>Carey Schmitt</u>	<input checked="" type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional

CONDITIONS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LOCATION: SUMMIT AVENUE IN PLAT OF GRAND VIEW HEIGHTS  
\_\_\_\_\_  
\_\_\_\_\_

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

Return to: City Clerk  
City of Edina  
4801 W. 50th Street  
Edina, MN 55424

(Official Publication)

CITY OF EDINA  
4801 WEST 50TH STREET  
EDINA, MINNESOTA 55424

STUAC 26, 95

NOTICE OF PUBLIC HEARING  
ON VACATION OF EASEMENT FOR STREET PURPOSES  
IN THE CITY OF EDINA  
HENNEPIN COUNTY, MINNESOTA

BY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 West 50th Street on February 6, 1995, at 7:00 P.M. for the purpose of holding a public hearing on the proposed vacation of the following easement for street purposes:

That part of Summit Avenue as dedicated in the plat of GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

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BY ORDER OF THE EDINA CITY COUNCIL

Marcella M. Daehn, City Clerk

Publish in the Edina Sun-Current on January 11 and 18, 1995  
Send two Affidavits of Publication



City of Edina, Minnesota  
OFFICE OF THE CITY CLERK  
4801 West 50th Street • Edina, Minnesota 55424 • (612) 927-8861

## TRANSMITTAL

DATE: 01/10/94

TO: Jerry Gilligan  
Dorsey-Whitney

FROM: Marce Daehn

RE: Vacation of Summit Avenue

*Jerry will talk to C. Larsen  
re this - has not  
seen anything*

ITEM(S):	NO.	DESCRIPTION
	<u>1</u>	<u>Excerpt of Council Minutes of 4/5/93</u>

### PURPOSE:

<input type="checkbox"/> As you requested	<input type="checkbox"/> Review and return
<input type="checkbox"/> For your information	<input type="checkbox"/> Reply to sender
<input type="checkbox"/> For your approval	<input type="checkbox"/> Other (see remarks)

REMARKS: I am FAXing you a portion of Edina City Council Minutes of  
April 5, 1993, concerning vacating a portion of Summit Avenue  
in conjunction with the Final Development Plan for Murphy  
Automotive, 5100 Vernon Avenue. I have never Completed the Notice  
of Proceedings for filing as I was holding until the conditions  
were met. Per Craig Larsen, you were working on the cross easements  
with Murphy's attorney. What is the status - can I complete this?  
Please give me a call.

*3 pages including cover*



## City of Edina

**NOTICE OF PUBLIC HEARING  
ON VACATION OF EASEMENT FOR STREET PURPOSES  
IN THE CITY OF EDINA  
HENNEPIN COUNTY, MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 West 50th Street on March 15, 1993 at 7:00 P.M., for the purpose of holding a public hearing on the proposed vacation of the following easement for street purposes:

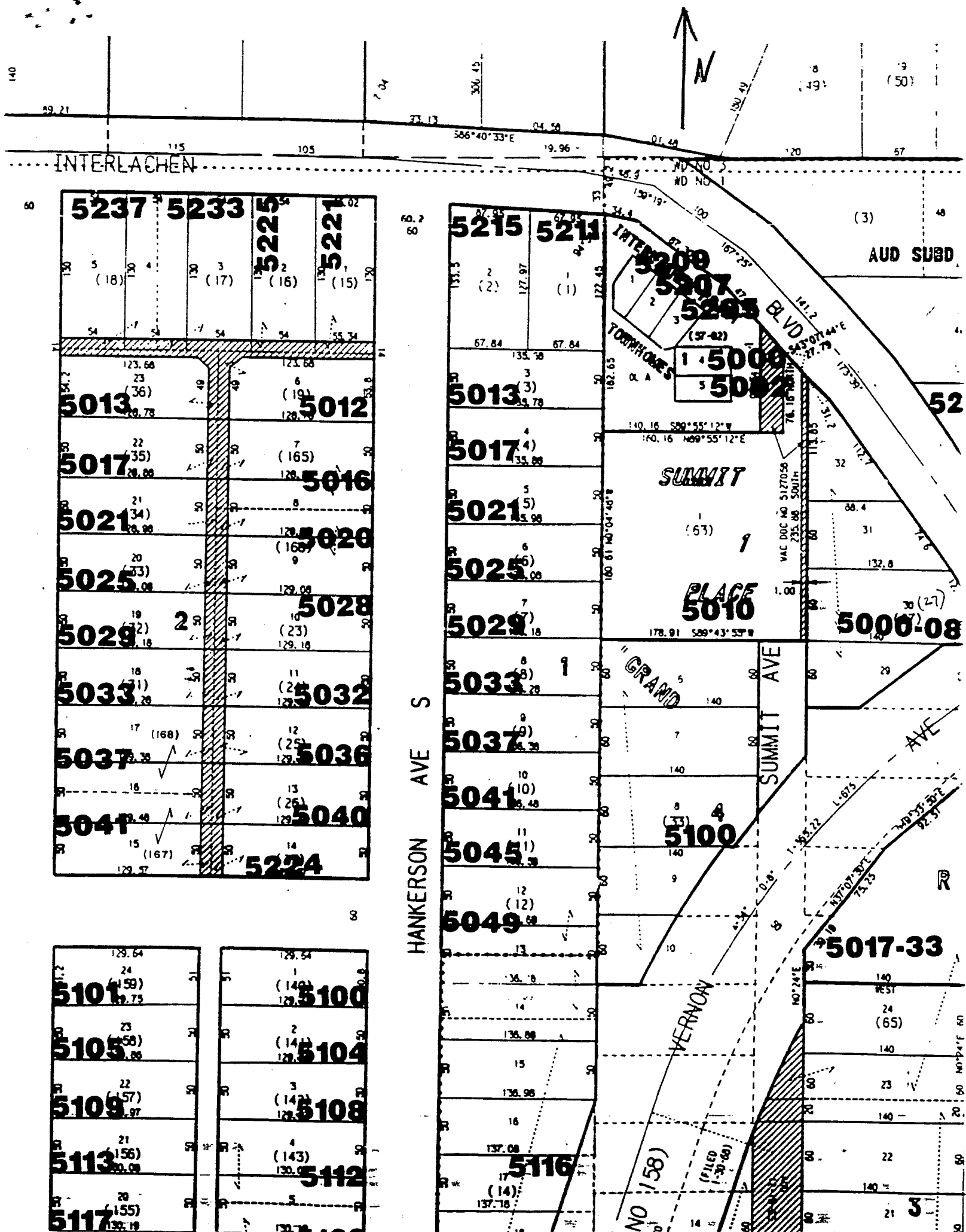
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BY ORDER OF THE EDINA CITY COUNCIL  
Marcella M. Daehn  
City Clerk

2/24/93







## REPORT/RECOMMENDATION

<b>To:</b> Mayor & City Council	<b>Agenda Item #</b> <u>III.A.</u>
<b>From:</b> Francis Hoffman City Engineer <i>[Signature]</i>	<b>Consent</b> <input type="checkbox"/>
<b>Date:</b> 15 March, 1993	<b>Information Only</b> <input type="checkbox"/>
<b>Subject:</b> Vacation of That Part of Summit Avenue lying South of the North Line of Lot 6, Block 4, Grand View Heights and North of County Road 158	<b>Mgr. Recommends</b> <input type="checkbox"/> To HRA <input checked="" type="checkbox"/> To Council
	<b>Action</b> <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance

### Recommendation:

Continue to April 5, 1993 Council Meeting.

### Info/Background:

This vacation of Summit Avenue is tied to the redevelopment of the property west of Summit Avenue. This should be heard concurrently with the final development proposal. Also, see attached correspondence for our files.

**MURPHY'S SERVICE CENTERS  
MURPHY AUTOMOTIVE**

---

**MAIN OFFICE**  
2727 26TH AVENUE SOUTH  
MINNEAPOLIS, MINNESOTA 55406  
(612) 721-0085

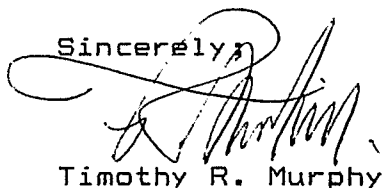
MARCH 3RD, 1993

Mayor Richards  
City of Edina  
4801 West 50th St.  
Edina Mn. 55424

Mr. Richards;

Both your March 15th and April 5th city council meetings will deal with the vacation of Summit Ave. and then my final development plan approval for my proposed reconstruction project of my location on Vernon Ave. Over the past few months I have been working closely with city staff and have received the unanimous approval of your planning commission at their last meeting on February 24th pending an approved landscaping plan. As a small business operator in Edina for the past fourteen years I look forward to this properties redevelopment and a much more comfortable facility to operate within your community. Please be aware that I would welcome the opportunity to discuss my plans or address any possible concerns with you or any city council members prior to the meetings. Thank you in advance for your time and consideration.

Sincerely,



Timothy R. Murphy

**EDINA SERVICE CENTER**  
5354 FRANCE AVE. SOUTH  
EDINA, MN 55410  
926-5110

**MURPHY'S IN THE PARK**  
5717 EXCELSIOR BLVD.  
ST. LOUIS PARK, MN 55416  
929-3115

**MURPHY'S GRANDVIEW**  
5100 VERNON AVE. SOUTH  
EDINA, MN 55424  
929-3115

**PRO-TECH TUNE & LUBE**  
7125 151ST ST. WEST  
APPLE VALLEY, MN 55124  
432-2454

GRANDVIEW TIRE & AUTO  
5100 VERNON AVE. SO.  
EDINA MINN. 55436

March 3rd, 1993

Joan Lonsbury  
5904 Drew Ave. So.  
Edina Minn. 55410

Joan;

My name is Tim Murphy. I am the owner of the service station site just to the north of your summit point development. It is my understanding that you have concerns regarding pedestrian safety with the proposed street vacation for my project. I am sorry you were not aware of this proposal until just recently. Because of the structure of Westminster I was not able to access your board until Mr. Doug Spiotta presented you with my proposal late in February. Please be aware that I took every measure to notify all surrounding property owners and spent considerable time addressing this vacation proposal with city staff before proceeding. I would now like to ask for an opportunity to meet with you and any other board members with concerns in the near future. Please understand that it is my personal priority to address any and all issues of concern to the adjoining property owners satisfaction before proceeding with my project. ( particularity if it is a safety issue ). To date this appears to be the only concern. Because I am a sole proprietor with limited resources it is also important for me to resolve this matter before I proceed. Please contact me at your earliest convenience.

Day phone: 721-0085 or 868-1106  
Evenings: 435-8345

Sincerely;



Timothy R. Murphy  
OWNER, GRANDVIEW TIRE AND AUTO

cc: Mayor Richards

**MURPHY'S SERVICE CENTERS  
MURPHY AUTOMOTIVE**

---

**MAIN OFFICE**  
2727 26TH AVENUE SOUTH  
MINNEAPOLIS, MINNESOTA 55406  
(612) 721-0085

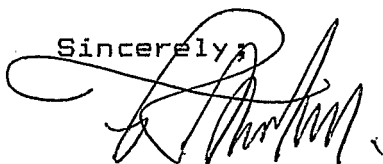
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City of Edina  
4801 West 50th St.  
Edina Mn. 55424

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Sincerely,



Timothy R. Murphy

**EDINA SERVICE CENTER**  
5354 FRANCE AVE. SOUTH  
EDINA, MN 55410  
926-5110

**MURPHY'S IN THE PARK**  
5717 EXCELSIOR BLVD.  
ST. LOUIS PARK, MN 55416  
929-3115

**MURPHY'S GRANDVIEW**  
5100 VERNON AVE. SOUTH  
EDINA, MN 55424  
929-3115

**PRO-TECH TUNE & LUBE**  
7125 151ST ST. WEST  
APPLE VALLEY, MN 55124  
432-2454

GRANDVIEW TIRE & AUTO  
5100 VERNON AVE. SO.  
EDINA MINN. 55436

March 3rd, 1993

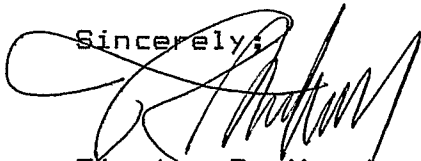
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5904 Drew Ave. So.  
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Day phone: 721-0085 or 868-1106  
Evenings: 435-8345

Sincerely;



Timothy R. Murphy  
OWNER, GRANDVEIW TIRE AND AUTO

cc: Mayor Richards





# AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)

ss.

COUNTY OF HENNEPIN)

L.J. Canning

, being duly sworn on an oath says that he/she is the publisher or authorized agent and employee of the publisher of the newspaper known as Edina Sun-Current, and has full knowledge of the facts which are stated below.

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Notice of Public Hearing

which is attached was cut from the columns of said newspaper, and was printed and published once each week, for two successive weeks; it was first published on Wednesday, the 24 day of February, 1993, and was thereafter printed and published on every Wednesday to and including Wednesday, the 3 day of March, 1993; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

BY:

L.J. Canning

TITLE:

General Manager

Acknowledged before me on this

3 day of March, 1993.

Notary Public

Meridel M. Hedblom

Notary Public Minnesota

HENNEPIN COUNTY

My Commission Expires Jul. 13, 1998

## RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space
- (2) Maximum rate allowed by law for the above matter
- (3) Rate actually charged for the above matter

\$ 1.60 per line  
(Line, word, or inch rate)  
\$ 96.8\* per line  
(Line, word, or inch rate)  
\$ 72\* per line  
(Line, word, or inch rate)

## City of Edina

(Official Publication)

CITY OF EDINA

4004 WEST 54TH STREET  
EDINA, MINNESOTA 55424

NOTICE OF PUBLIC HEARING  
ON VACATION OF EASEMENT  
FOR STREET PURPOSES  
IN THE CITY OF EDINA

HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 West 50th Street on March 15, 1993 at 7:00 P.M., for the purpose of holding a public hearing on the proposed vacation of the following easement for street purposes:

That part of Summit Avenue as dedicated in the plat of GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

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BY ORDER OF THE EDINA CITY COUNCIL  
MARCELLA M. DAHN  
City Clerk

(Feb. 24 & March 3, 1993)-ED

(Official Publication)

CITY OF EDINA  
4801 WEST 50TH STREET  
EDINA, MINNESOTA 55424

**NOTICE OF PUBLIC HEARING  
ON VACATION OF EASEMENT FOR STREET PURPOSES  
IN THE CITY OF EDINA  
HENNEPIN COUNTY, MINNESOTA**

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BY ORDER OF THE EDINA CITY COUNCIL  
Marcella M. Daehn  
City Clerk

Publish in the Edina Sun-Current on February 24 and March 3, 1993  
Send two Affidavits of Publication





## REPORT/RECOMMENDATION

<b>To:</b> KEN ROSLAND, MANAGER	<b>Agenda Item #</b> <u>VIII.A.</u>
<b>From:</b> MARCELLA DAEHN, CLERK	<b>Consent</b> <input checked="" type="checkbox"/>
<b>Date:</b> FEBRUARY 12, 1993	<b>Information Only</b> <input type="checkbox"/>
<b>Subject:</b> PETITION TO VACATE SUMMIT AVENUE	<b>Mgr. Recommends</b> <input type="checkbox"/> To HRA <input checked="" type="checkbox"/> To Council
	<b>Action</b> <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Discussion

### Recommendation:

Council resolution setting March 15, 1993, as hearing date on the petition to vacate Summit Avenue.

### Info/Background:

A petition has been filed with the City requesting vacation of the remainder of Summit Avenue.

I would recommend that March 15, 1993, be set as hearing date to allow for publication and posting of the hearing notice. A copy of the petition is attached.

# PUBLIC RIGHT OF WAY VACATION APPLICATION

STATE OF MINNESOTA )  
COUNTY OF HENNEPIN ) SS  
CITY OF EDINA )

AFFIDAVIT OF POSTING NOTICE OF HEARING ON  
VACATION OF SUMMIT AVENUE

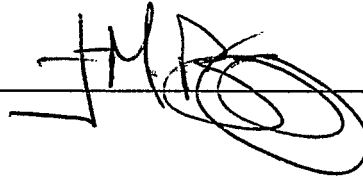
The undersigned, being first duly sworn, upon oath deposes and says that he/she is a duly appointed and acting Police Officer for the City of Edina, Hennepin County, Minnesota, and that on February 24, 1993 he/she posted the Notice of Hearing on the vacation described above to be held on March 15, 1993, a true and correct copy of which is attached hereto, at each of the official City bulletin boards located at conspicuous places within the City as follows:

- 1) City Hall, 4801 West 50th Street
- 2) Municipal Liquor Store, 50th and France Business Area
- 3) Centennial Lakes Park Centrum, 7499 France Avenue South

Dated

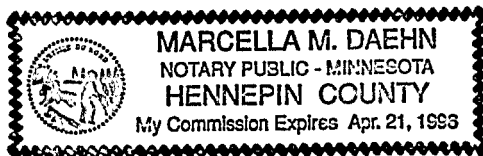
2/24/93

Signed



Signed and sworn to before me, a Notary Public  
in and for Hennepin County, Minnesota, this  
24th day of February, 1993.

Marcella M. Daehn





City of Edina

**NOTICE OF PUBLIC HEARING  
ON VACATION OF EASEMENT FOR STREET PURPOSES  
IN THE CITY OF EDINA  
HENNEPIN COUNTY, MINNESOTA**

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BY ORDER OF THE EDINA CITY COUNCIL  
Marcella M. Daehn  
City Clerk

2/24/93

1/1/74

STATE OF MINNESOTA )  
COUNTY OF HENNEPIN ) SS  
CITY OF EDINA )

CERTIFICATE OF MAILING NOTICE

I, the undersigned, being the duly qualified acting City Clerk of the City of Edina, Minnesota, hereby certify that on the following date February 22, 19 93, acting on behalf of said City I deposited in the United States mail copies of the attached NOTICE OF PUBLIC HEARING - VACATION OF SUMMIT AVENUE (Exhibit A), enclosed in sealed envelopes, with postage thereon duly prepaid, addressed to the persons at the addresses as shown on the mailing list (Exhibit B) attached to the original hereof, which list is on file in my office, said persons being those appearing on the records of the County Auditor as owners of the property listed opposite their respective names, as of a date at least 10 days prior to the date of the hearing; and that I also sent said notice to the following corporations at the indicated addresses whose property is exempt from taxation and is therefore not carried on the records of said County Auditor.

<u>Name</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____
_____	_____

WITNESS my hand and seal of said City this 22nd day of February, 19 93.

Maurice M. Bach  
Edina City Clerk



City of Edina

**NOTICE OF PUBLIC HEARING  
ON VACATION OF EASEMENT FOR STREET PURPOSES  
IN THE CITY OF EDINA  
HENNEPIN COUNTY, MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 West 50th Street on March 15, 1993 at 7:00 P.M., for the purpose of holding a public hearing on the proposed vacation of the following easement for street purposes:

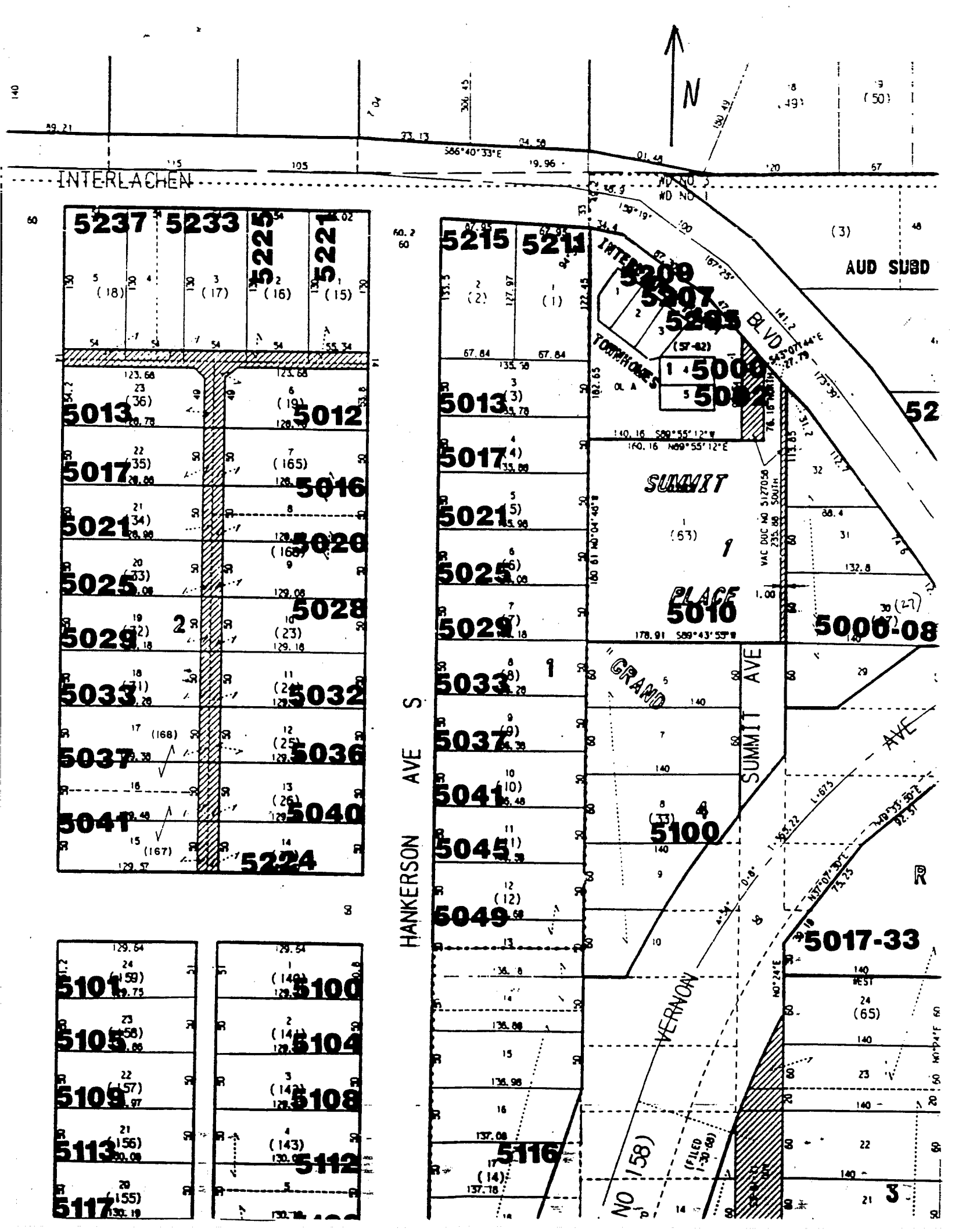
That part of Summit Avenue as dedicated in the plat of GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

That part of Summit Avenue lying South of the North line of Lot 6, Block 4, GRAND VIEW HEIGHTS and North of County Road No. 158 (Vernon Avenue).

All persons who desire to be heard with respect to the question of whether or not the above proposed easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easement, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL  
Marcella M. Daehn  
City Clerk

2/24/93



MAILING LIST FOR VACATION OF SUMMIT AVENUE:

28-117-21-31-0063

Woodhaven  
328 W. 6th Street  
St. Paul MN 55102

0033

Tim Murphy  
5100 Vernon Avenue  
Edina MN 55436

0027

Frank Gaertner  
246 S. Albert Street  
St. Paul MN 55105

Steven Von Bargaen  
Minnegasco, Inc.  
700 Linden Ave. W.  
P.O. Box 1165  
Minneapolis MN 55440-1165

Stuart E. Fraser  
NSP Normandale Division  
5309 W. 70th Street  
Edina MN 55435

Mark Kerksen  
Paragon Cable  
10210 Crosstown Circle  
Eden Prairie MN 44344-3377

Steven Van Anman  
U.S. West Communications  
6344 Cedar Avenue So.  
Richfield MN 55423



28-117-21-31

0063- Woodhaven - 328 W. 6th St  
St. Paul, MN, 55102

0033- Tim Murphy. 5100 Vernon Ave  
0027- Frank Gaertner - 246 S. Albert St  
St. Paul, 55105

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That part of Summit Avenue as dedicated in the plat of GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

That part of Summit Avenue lying South of the North line of Lot 6, Block 4, GRAND VIEW HEIGHTS and North of County Road No. 158 (Vernon Avenue).

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BY ORDER OF THE EDINA CITY COUNCIL  
Marcella M. Daehn  
City Clerk

2/24/93



Legal Description for Vacation of Summit Avenue:

That part of Summit Avenue as dedicated in the plat of GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

That part of Summit Avenue lying South of the North line of Lot 6, Block 4, GRAND VIEW HEIGHTS and North of County Road No. 158 (Vernon Avenue).



## REPORT/RECOMMENDATION

<b>To:</b> KEN ROSLAND, MANAGER	<b>Agenda Item #</b> <u>VIII.A.</u>
<b>From:</b> MARCELLA DAEHN, CLERK	<b>Consent</b> <input checked="" type="checkbox"/>
<b>Date:</b> FEBRUARY 12, 1993	<b>Information Only</b> <input type="checkbox"/>
<b>Subject:</b> PETITION TO VACATE SUMMIT AVENUE	<b>Mgr. Recommends</b> <input type="checkbox"/> <b>To HRA</b>
	<input checked="" type="checkbox"/> <b>To Council</b>
	<b>Action</b> <input type="checkbox"/> <b>Motion</b>
	<input checked="" type="checkbox"/> <b>Resolution</b>
	<input type="checkbox"/> <b>Ordinance</b>
	<input type="checkbox"/> <b>Discussion</b>

### Recommendation:

Council resolution setting March 15, 1993, as hearing date on the petition to vacate Summit Avenue.

### Info/Background:

A petition has been filed with the City requesting vacation of the remainder of Summit Avenue.

I would recommend that March 15, 1993, be set as hearing date to allow for publication and posting of the hearing notice. A copy of the petition is attached.

Orange Area Proposed  
Vacation for this Project

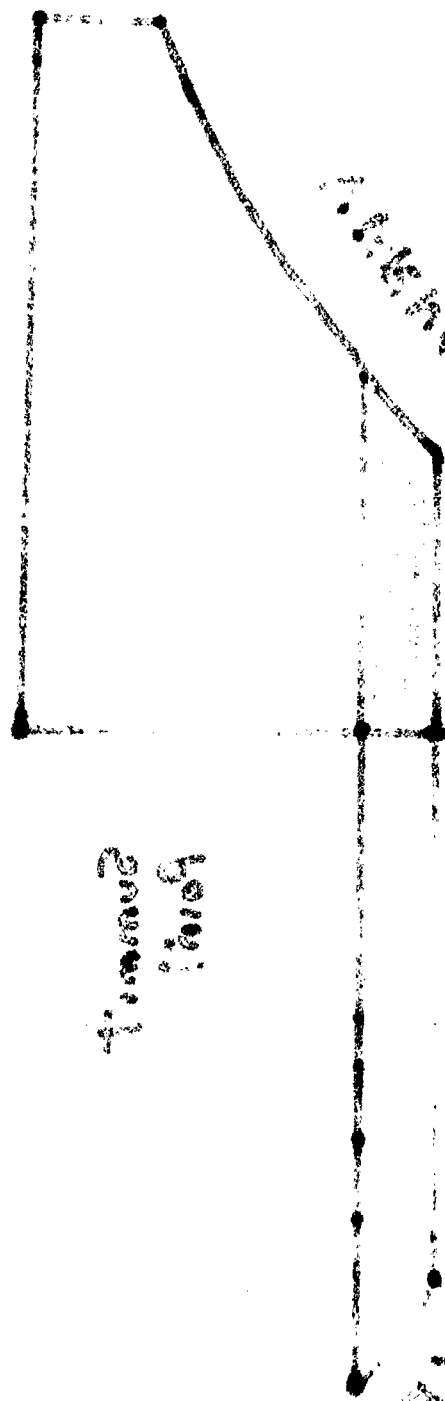
Pinell Area Portion of  
Summit Ave already  
Vacated to Westminster  
Corp for building of their  
Summit Point Project

Summit  
Point

NEW BUILDING

VERNON AVE

WESTMINSTER




1. 10. 10. 10. 10.

1. 10. 10. 10. 10.

1. 10. 10. 10. 10.

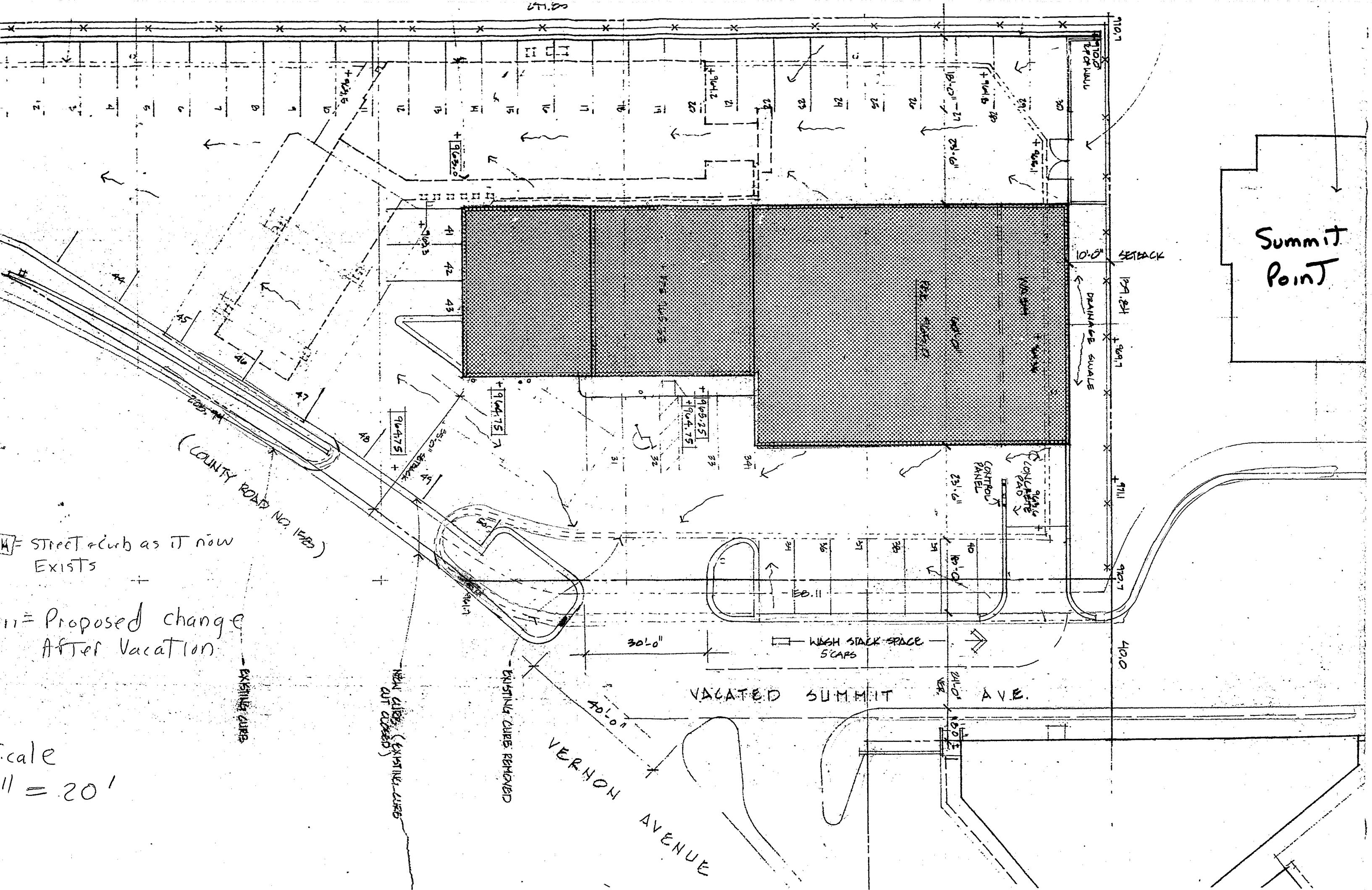
1. 10. 10. 10. 10.



Summit  
Point

$W$  = Street & curb as it now exists

11 = Proposed change  
After Vacation

$$11 = 20'$$




Legal Description for Vacation of Summit Avenue:

That part of Summit Avenue as dedicated in the plat of GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

That part of Summit Avenue lying South of the North line of Lot 6, Block 4, GRAND VIEW HEIGHTS and North of County Road No. 158 (Vernon Avenue).

Vacation Description for Summit Ave.

That Part of Summit Ave as dedicated in the plat of Grand View Heights, according to the recorded plat thereof, Hennepin County, Minnesota described as follows:

That Part of Summit Ave lying South of the North line of lot 6, Block 4 Grand View Heights and North of County Rd #158 (Vernon Ave).

